

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

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IN RE: NATIONAL FOOTBALL	:	MDL NO. 2323
LEAGUE PLAYERS' CONCUSSION	:	12-MD-2323
INJURY LITIGATION	:	

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**APPLICATION OF THOMAS WALTER UMPHREY FOR APPOINTMENT TO  
THE PLAINTIFFS' STEERING COMMITTEE**

Pursuant to Case Management Order No. 1 (ECF No. 4), Thomas Walter Umphrey of the Provost\*Umphrey Law Firm, L.L.P. respectfully submits and files this application for membership to the Plaintiffs' Steering Committee ("PSC") for this proceeding; and in support would show as follows:

1. I represent numerous former NFL players who are suffering from concussion-related injuries incurred during their time playing in the NFL.

2. I understand that I am filing this application after the court-imposed deadline of April 4, 2012 as set forth in Case Management Order No. 1. To date, the one case with thirty-one (31) Plaintiffs my firm has filed in this litigation has not yet been transferred to this Court. Our case has been filed in the Southern District of Texas, Houston before Judge Ewing Werlein, Jr. However, Judge Werlein has recused himself, and Judge Kenneth Hoyt is now residing over the case. We anticipate the case to be transferred to this Court in the near future. In addition, our firm is currently preparing a second case to be filed in the very near future. Further, while our cases have not yet been added to this Court's docket, my firm was not added to the list of parties to receive electronic notices and orders from the Court. As such, neither I nor anyone at my firm was aware of the April 4, 2012 deadline until today. I have read, understand and agree to the PSC's responsibilities as set forth in Case Management Order No. 1. It would be an honor for me to be selected by the Court to serve.

3. I stand ready, willing and able to commit all time and resources (personally and by my law firm) necessary to represent all Plaintiffs in this litigation. My firm is financially capable of meaningfully assisting in the financing of this litigation and is committed to this important litigation.

4. I respectfully submit that I and my firm have the knowledge, experience and education necessary for membership in the PSC in this MDL.

- a. I attended Southern Methodist University after receiving a football scholarship and completed undergraduate studies at Baylor University. In 1965, I received my law degree from Baylor Law

School and then joined the Jefferson County District Attorney's Office as a prosecuting attorney and, ultimately, chief felony prosecutor. In 1969, I co-founded the Provost\*Umpfrey Law Firm, L.L.P.

- b. I am board-certified in Personal Injury Trial Law and Labor and Employment Law by the Texas Board of Legal Specialization and Civil Trial Advocacy by the National Board of Trial Advocacy. In 1973, I was admitted by the Supreme Court of the United States to the Supreme Court Bar.
- c. I am a fellow of the International Society of Barristers and listed as one of "The Best Lawyers in America." In 2000, I was recognized as a "Legal Legend", one of the top Texas lawyers of the twentieth century for my role in shaping Texas law. I have been routinely recognized as one of the most successful trial lawyers in America for the last thirty years. I have been selected as one of the 25 Greatest Lawyers in Texas in the last quarter century by Texas Lawyer Magazine.
- d. In May, 2011 the Jefferson County Bar Association recognized my contributions to the legal community with the Blackstone Award.

5. I, along with my law firm, pioneered labor and personal injury law in Texas, and our efforts have resulted in landmark decisions.

- a. My first federal jury trial resulted in a \$4 million verdict in 1972 and was the first of many significant cases tried by me involving toxic exposures, industrial accidents and explosions, maritime and employment law.
- b. I tried and won the nation's first class action trial involving asbestos exposure on behalf of more than 2,000 Texas asbestos victims, with a \$1 billion award.
- c. I was also the lead attorney for the State of Texas against the tobacco industry resulting in a historical civil litigation settlement of \$17.6 billion. In addition, I was on the Steering Committee for the tobacco litigation.

6. As a leader in labor and employment law, I serve as General Counsel to the Texas AFL-CIO, Texas Building and Construction Trades & International Association of Bridge Structure and Ornamental Iron Workers.

- a. The AFL-CIO has recognized me as a "superb General Counsel and friend in good and bad times."

- b. On March 1, 2010 the United Steel Workers Union-Canadian Local 6500 made me an honorary member for my solidarity with and support of union workers in the United States and Canada.
- c. In 1995, I developed an Emergency Response Team to assist the Oil, Chemical & Atomic Workers Union to respond to industrial explosions and other fatal accidents across the United States. Due to its success, this program has been passed forward as the OCAW merged with PACE and the United Steel Workers.
- d. Today, I serve as Special Counsel for Texas Tort Litigation and Emergency Response to the United Steel Workers International Union.
- e. I, along with my firm, have represented over 340,000 union members in Texas and across America for the past thirty (30) years.

7. Beyond the practice of law, I serve as Chairman of the Board for Community Bank. I have also provided unwavering support and legal knowledge to various civic and community causes.

- a. I have served as board member of the National Wildlife Association, Director of Lady Bird Johnson Wild Flower Center and Vice-Chairman of Texas State Parks and Wildlife Commission.
- b. I have donated land which was central to the development of coastal marsh exhibit at the Texas Department of Parks and Wildlife's Sea Center.
- c. I support education through donations to Lamar University in Beaumont, Texas, which has resulted in the Sheila Umphrey Recreational Sport Center, Provost\*Umphrey Stadium and the return of NCAA football to the university.

In addition, I have made substantial donations supporting the Sheila & Walter Umphrey Law Center at The Baylor School of Law and the education of generations of young lawyers in Texas.

Accordingly, I respectfully request that the Court appoint me to the PSC for this MDL. I will work cooperatively with all counsel and this Court. It would be an honor to serve.

Dated: May 1, 2012.

Respectfully submitted,

PROVOST\*UMPHREY LAW FIRM,  
L.L.P.

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BEAUMONT, TX 77704-4905

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BY: /s/Thomas Walter Umphrey

Thomas Walter Umphrey

State Bar No. 20380000

## THOMAS WALTER UMPHREY

Residence Address: 21 Avenue of the Oaks  
Beaumont, Texas 77706 (409) 838-8848

Business Address: 490 Park Street  
P.O. Box 4905 Beaumont, Texas 77704  
(409) 835-6000

Place and Date of Birth: Port Arthur, Texas, May 13, 1936

Family: Married (52 years) - Wife Sheila  
Married Son - Bart Umphrey  
Married Daughter - Paige Logsdon

### BUSINESS

Senior Managing Partner of the Provost ★ Umphrey Law Firm,  
L.L.P.; founded in 1969 as PROVOST-UMPHREY, by David A. Provost  
and Walter Umphrey.

### ACADEMIC and LEGAL EDUCATION

Thomas Jefferson High School - 1954 graduate

Preparatory Education - Southern Methodist University;  
Dallas, Texas (1955-1957)

Bachelor, Business Administration - 1959; Baylor University,  
Waco, Texas (1957-1960)

Doctor of Jurisprudence - 1965; Baylor University, Waco, Texas  
(1963-1965)

### VOLUNTEER PARTICIPATION

100 Club

Patrons of Police

Trustee of John Gray Institute

Mental Health Association

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#### BAR ASSOCIATIONS

State Bar of Texas - 1965

Jefferson County Bar Association (various positions)

Port Arthur Bar Association (Past President)

Board Certified, Personal Injury Trial Law, Texas Board of Legal Specialization, 1978

Board Certified, Labor Law, Texas Board of Legal Specialization 1977

Chairman of the Grievance Committee which serves seven counties in East Texas for a six year appointment.

#### FRATERNITIES, SOCIETIES, CLUBS and ASSOCIATIONS

Dean, Delta Theta Phi, Baylor University, Waco, Texas

American Bar Association

American Board of Trial Advocates

National Board of Trial Advocacy

Texas Trial Lawyers Association - Director

Committee Member - Admissions of Attorneys to Practice in the  
United States District Court for the Eastern District of  
Texas, Beaumont Division

Board of Directors - First Bank and Trust, Groves, Texas from  
September 18, 1981 until June 1990

Martindale-Hubbel rated - "a v" rating

Past President - Southeast Texas Trial Lawyers Association

Fellow of International Society of Barristers

Past Commissioner - Texas Parks and Wildlife Commission Senior

Chairman of the Board - Community Bank

#### COURTS ADMITTED TO PRACTICE

United States District Court - Eastern District of Texas, 1967

United States Court of Appeals for the Fifth Circuit, 1972

Supreme Court of the United States of America, 1973

United States District Court for the Southern District of Texas,  
1981

#### CONTRIBUTIONS TO:

Tyler County Fair, Boys & Girls Haven

Junior Achievement

Child Support - Adopt a Family Program

Texas Energy Museum

The Humane Society of Southeast Texas

Baylor University School of Law

Southern Methodist University

Lamar University

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Thomas Walter Umphrey

Walter Umphrey and David Provost started the law firm, which is now Provost Umphrey Law Firm in 1969 in his hometown of Port Arthur, Texas. Today, Provost Umphrey consists of more than forty-five lawyers and over one hundred support staff with offices in Beaumont, Port Arthur, Tyler, Little Rock, Nashville and Houston.

He graduated from Thomas Jefferson High School in Port Arthur, received a football scholarship to Southern Methodist University then completed undergraduate studies at Baylor University. Walter earned a Juris Doctorate from Baylor University.

Baylor University School of Law in 1965 and went to work as a prosecuting attorney in the Jefferson County District Attorney's Office. He entered private practice in 1969 and has been designated one of the top twenty five most successful lawyers by the Texas Lawyer Newsletter.

Walter is board certified in the areas of Personal Injury Trial Law and Labor Law by the Texas Board of Legal Specialization. He has also been certified by the American Board of Trial Advocates. Walter is admitted to practice before the U.S. Court of Appeals for the Fifth Circuit, the U.S. District Courts for the Eastern, Southern and Northern District of Texas and the United States Supreme Court. Umphrey's legal affiliations include the Jefferson County Bar Association, Texas Trial Lawyers Association, the Association of Trial Lawyers of America, American Bar Association and Texas State Bar Association.

Past President of the Southeast Texas Trial Lawyers Association, Walter is also a member of the Committee on Admission of Attorneys to Practice before the U.S. District Court for the Eastern District of Texas, the national Board of Trial Advocacy and Fellow of the International Society of Barristers.

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Thomas Walter Umphrey

His civic and community contributions are innumerable. He funded the construction of a courtroom for Baylor University School of Law as well as funded the newly construction Sheila and Walter Umphrey Law Center at Baylor.

He has also provided full undergraduate scholarships to Lamar University, was instrumental in returning football to Lamar as well as funding the recreation complex by giving \$5,000,000, the largest gift ever in the history of the University.

The University of Texas Law School was also the recipient of an endowment as well as the establishment of annual awards for school counselors. Walter is also Chairman of the Board of Community Bank of Texas. He is also a Patron of Police and a member of the various wildlife organizations.

Along with his gifts to universities, etc. his passion for our four legged friends prompted him to give \$1,000,000 to the Humane Society of Southeast Texas as the foundation to a new shelter.

Appointed to Texas Parks and Wildlife Commission by Governor Ann Richards on February 28, 1991; he served a six-year term. Mr. Umphrey is a devoted conservationist who has dedicated private properties to game management and maintenance of native habitat.